

REMARKS/ARGUMENTS

This case has been reviewed and analyzed in view of the Official Action dated 6 October 2004. Responsive to the objections and rejections made by the Examiner in the outstanding Official Action, Claim 1 has now been amended and Claim 2 has been cancelled from this case in order to more clearly clarify the inventive concept of the Applicant.

The Examiner has objected to Claims 1-2 due to specific instances of informalities in the Specification as originally filed. Claim 1 has now been amended to overcome the Examiner's specific objections.

The Examiner has stated that Claim 2 was merely objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 2 has now been cancelled from this case and the limitations of Claim 2 have been incorporated into newly-amended independent Claim 1. Thus, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

The Examiner has rejected Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over the Pauls Patent 5,147,265 in view of the Applicant's Drawings in Figures 5-7, submitted as prior art. It is the Examiner's contention that it would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the Pauls device to wind a strap and attach the device onto the

post part as taught in the admitted prior art, since it has been held that rearranging parts of an invention involves only routine skill in the art.

The Pauls reference is directed towards a rotation-activated resistance device. The rotation-activated resistance device includes a winding mechanism 150 positioned at the lower end of an exercise machine, with the winding mechanism having a shaft 160 and a return spring (positioned within member 164), along with a cable 154. The shaft 160 is connected to the return spring so that it may be rotated together with the housing member on the exercise machine.

Though the Pauls reference does not include a winding mechanism winding the strap and capable of being attached to a "post part", the Examiner has combined the Pauls reference with the Applicant's admitted prior art, shown in Figures 5-7 of the subject Patent Application Drawings, which do include a winding mechanism for winding a strap and attaching to a "post part".

Though the Applicant's admitted prior art does show a winding mechanism for winding a strap and being capable of attaching to a post part, this system includes connecting element 43 which is joined to the free end of strap 42 which moves towards post 4 very rapidly in operation, thus causing possible damage and also creating mechanical vibrations. Connecting element 43 is prone to damage by strap 42 and the service life of the strap supporting post is greatly shortened.

In the system of the subject Patent Application, however, as shown in the subject Patent Application Drawings, when strap 12 is released from its in-use

position, centrifugal force acts on rubbing bars 23, thus causing the convex curved working ends 235 of rubbing bars 23 to rub against the rubbing surface 32 of the stationary member 3 which, in turn, causes rotary member 2 to turn at such a speed that the centrifugal force is greater than the force of tension springs 25 on rubbing bars 23. Thus, the friction of the rubbing surface 32 against rubbing bars 223 makes the strap 12 wind around housing 11 slowly, securely and safely.

Additionally, in the system of the subject Patent Application, the stationary member, as shown in the Patent Application Drawings, includes a plurality of elongated connecting portions projecting downwardly from the annular portion of the cap portion and each of the elongated connecting portions has a securing bar formed on an outer side thereof capable of engaging a connecting element joined to a free end of the strap. The upper connecting end of the shaft passes closely through the connecting hole of the middle part of the rotary member and is secured thereto by securement means.

The rubbing bars in the system of the subject Patent Application are pivoted with respect to ones of the connecting projections of the middle part at second pivotal ends thereof by means of pivotal pins and the first working ends of the rubbing bars are received within respective ones of the holding rooms of the middle part.

Neither the Pauls reference nor Applicant's admitted prior art, when taken alone or in combination, provide for: "... the middle part has a middle cavity

formed therein, a connecting hole extending through the middle of the middle cavity, a plurality of spaced holding rooms, spaced apart connecting projections, spaced apart trenches each having a connecting pole projecting therefrom, and each rubbing bar has a first working end formed with a convexly curved outward side, a second pivotal end, a trench on an inward side, and a connecting pole sticking up from the trench, the stationary member having a plurality of elongated connecting portions projecting downwardly from the annular portion of the cap portion thereof, each of the elongated connecting portions having a securing bar formed on an outward side thereof and capable of engaging a connecting element joined to a free end of the strap, the upper connecting end of the shaft being closely passed through the connecting hole of the middle part of the rotary member, and screwed into a nut, the rubbing bars being pivoted to respective ones of the connecting projections of the middle part at the second pivotal ends thereof by means of pivotal pins, the first working ends of the rubbing bars being received in respective ones of the holding rooms of the middle part, the tension springs being passed around the connecting poles of the middle part and the connecting poles of the rubbing bars at two ring-shaped ends ...”, as is clearly provided by newly-amended independent Claim 1.

Thus, based upon newly-amended independent Claim 1, it is not believed that the subject Patent Application is made obvious by either the Pauls reference or Applicant’s admitted prior art, when independent Claim 1 is carefully reviewed.

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The remaining references cited by the Examiner, but not used in the rejection, have been reviewed, but are believed to be further removed when patentable distinctions are taken into account than those cited by the Examiner in the rejection.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE

A handwritten signature in black ink, appearing to read "Morton J. Rosenberg". The signature is fluid and cursive, with the first name "Morton" and last name "Rosenberg" clearly distinguishable.

Morton J. Rosenberg
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Date: 3/29/05

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